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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/089,834      | 06/03/98    | KNAPTON              | K INTL-0033-US      |

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LM02/0907

EXAMINER

DAS,C

ART UNIT PAPER NUMBER

2762

6

DATE MAILED: 09/07/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/089,834

Applicant(s)  
Knaption III

Examiner  
Chameli Das

Group Art Unit  
2762



☒ Responsive to communication(s) filed on Jul 1, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-9 and 12-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 9 is/are allowed.

☒ Claim(s) 1-8 and 12-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. This action is in response to the amendment filed on 7/1/99.
2. As applicant's request, claims 6 and 9 have been amended and claims 10-11 are rejected.
3. Claim 1-5 and 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See the previous office action.
4. Claim 1 is objected to because of the following informalities: It does not end with a period. Appropriate correction is required.
5. Claim 1-6, 8, 12-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al, US Patent No. 5,881,230. See the previous office action.
6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al, US Patent No. 5,881,230. See the previous office action.
7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Christensen et al US Patent No. 5,881,230 in view of Brim, US Patent No. 5,835,914. See the previous office action.
8. Claim 9 is allowed.

***Response to Argument***

9. Applicant's arguments filed on 7/1/99 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

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- (1) Christensen et al do not teach versioning mechanism.
- (2) As per claim 6, Christensen et al do not teach accessing first and second objects in place of one another without recompiling.
- (1) Claim 1 does not recite any versioning mechanism where the updated object can be used in place of the original object.
- (2) Christensen et al teach **accessing the objects** is shown in column 1 line 26-28 (“Interfaces are groupings of semantically related functions through which a **client application (objects)** **accesses the services of a server application (objects)**”), **in place of one another** is shown in column 8 line 18-25 (“loading a Remote Automation Proxy application which will communicate with the server application. The “LocalServer32” **registry sub-key is replaced with a sub-key** that tells OLE to load the **Remote Automation proxy (object)**. For example, the modified operating system registry may appear as follows after modification by Remote Automation”), **without recompiling** is shown in column 7 line 25-27 (“Existing OLE applications **do not have to be changed or recompiled** using Remote Automation”).

### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pearson teaches Dynamic layered protocol stack, US Patent No. 5,903,754.

Dickinson teaches Object oriented system for representing physical locations, US Patent No. 5,634,129.

Nguyen teaches Object oriented framework for creating and using container objects with built-in properties, 5,544,302.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-306-3014. The examiner can normally be reached on Monday-Friday from 8:00 A.M to 4:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tariq Hafiz can be reached at 703-305-9643. The fax number for this group is 703-308-1396. An inquiry of general

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nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

CDAS

9/3/99



Tariq F. Hafiz  
Supervisory Patent Examiner  
Technology Center 2700